

James Daniel Hajny }
Movant }

16-5115-CV-SW-MDH-P

v
United States }
Respondant }

AFFIDAVIT OF BIAS

I James Daniel Hajny have previously included this affidavit with A Motion 2255 Filed on OCT. 21, 2016 in U.S. District Court for The Western District of Missouri in Kansas City. I am re-filing this AFFIDAVIT incase it had been over looked. In Pursuant to Title 28 U.S.C. 2255

I am requesting to have the Motion placed before a new trial Judge for the reasons I am writing.

Since the beginning of 2016 I've been fighting to have Mr. Brian D Rusley removed as Defense Counsel due to his "ineffective assistance". I have sent several letters to the then trial judge "Judge Brian C Wimes". To date I've had Two (2) hearings, both in front of Magistrate David Rush. First on 3/29/16; it was during this hearing I was denied the right to speak and give additional information. After his denial to have Mr. Rusley removed I appealed to the then trial Judge Brian C Wimes, I also sent a letter where it showed how defense Counsel refused to perform any request of mine. sent

On 6/2/16, I was brought to Federal court. I was assuming that Judge Wines would be sitting on the bench, only to find out that Magistrate David Rush would hear my request again. During both the 3/28 hearing and the 6/2/16, hearing I believe sufficient grounds had been raised to have Mr. Risley removed, only to have my appeal fall on deaf ears. I also made verbal requests during my April 5, 16 Pre-trial only to be denied again.

During my last Pre-trial on 7/12/16, I made another verbal appeal to my new trial Judge Douglas Harpool, during the Pre-trial he denied my request as he stated "Judge Wines ruled on 6/8/16, denying my request to have Mr. Risley removed. On 7/13/16 I sent a Formal motion to have Mr. Risley removed including several grounds. The grounds included his continual violation of my constitutional rights, Failure to suppress evidence, etc. On 7/18/16, Judge Harpool allowed me to give specific information as well as referencing prior hearing on 7/2/16 to which both Mr. Risley and ~~ASSA~~ Ami Miller both admitted evidence had been destroyed by TFO Charles Root, also how Mr. Risley failed to subpoena any witnesses I had requested on my behalf. After I gave my specifics as to why, Judge Harpool said I had just set my self up for a Motion 2255, but my Motion was denied, I made a verbal motion for a mistrial due to my civil rights being violated not only by my Attorney but now by the Court.

To date, I have been denied the right by the Court to have an Advocate to which the 6th Amendment requires. I was denied the right to speak by Magistrate David Rush, on 3/29/16, and during the 6/2/16 Magistrate Rush gave me false information concerning how a motion to suppress was placed before the court. I do not believe he is competent so during the hearing on 6/2, he deliberately gave me false information. Subsequently AUSA Ami Miller placed a motion to stop us from suppressing any evidence.

I feel I have raised sufficient reasons as to why a new Judge should be given to rule on the Motion 2255. I am Praying the court grants my motion, Affidavit of Bias.

Respectfully
James Quint Haring 1734226

Signed on 10/02/16

Placed in Greene County mail 10/02/16.

GREENE COUNTY JUSTICE CENTER
1000 N Boonville
Springfield MO. 65802

James Hajny
Inmate Name
1734226
Jacket #

Legal Mail

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Western District of Missouri
400 East 9th St. Room 1510
Kansas City, MO 64106

64106-199899



Case #
16-5115-CV-SW

14-5022
MDH

He references his
2255 case no. but the
content is for his
CR case

INDIGENT